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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,707	09/25/2003	Satoshi Kinoshita	051841-0110	6331
22428	7590	10/20/2005	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				ROSENBERG, LAURA B
		ART UNIT		PAPER NUMBER
		3616		

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/669,707	KINOSHITA ET AL.
	Examiner Laura B. Rosenberg	Art Unit 3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-13 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/25/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner recommends referring to the pop up mechanism or the pop up mechanism controlling mechanism in the title to better indicate the claimed invention.

### ***Claim Objections***

2. Claim 10 is objected to because of the following informalities: the applicant should decide on the phrase "telescope jacket" or "telescopic jacket" and use this phrase consistently when referring to this feature. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 1, the examiner is unsure what the phrase "which is disposed at a portion substantially of the separation" is intended to mean in lines 5-6. Clarification is of this portion of claim 1 is needed.

In regards to claims 1, 2, 5, 7, 10, and 12, the term “substantially” renders the claim indefinite. MPEP 2173.05(b) states that “substantially” is a broad term and can be definite if guidelines are provided in the specification or if one of ordinary skill in the art would know what the term implies when used with a particular characteristic in the claim. The use of the term in these claims does not satisfy either of these requirements, and thus renders the claims indefinite.

***Allowable Subject Matter***

5. Claims 1-13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
6. The following is a statement of reasons for the indication of allowable subject matter:

The allowable subject matter in claim 1 is the pop up mechanism controlling mechanism for controlling the popping up of the movable column portion by the pop up mechanism until the movable column portion pulled out by the telescope mechanism has a certain length, in combination with other features of claim 1.

The allowable subject matter in claim 10 is the details of the control portion, stopper plate, and engagement portion, how they interact with the telescope jacket and movable column portion, and how the popping up feature works with and is controlled by the steering system, in combination with other features of claim 10.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chamberlain et al. disclose an adjustable steering wheel and transmission lock arrangement allowing for adjustment of the steering wheel and the transmission shift lever in unison for operator comfort during operation of the vehicle and adjustment out of the way for easy access to the vehicle seat.

Yamamoto discloses a tilt steering arrangement in which the steering wheel assembly is placed and held at a desired optimum driving position within a predetermined angular width, and a jump up mechanism is provided that automatically tilts the steering wheel assembly toward a predetermined upper limit angular position when the driver leaves the vehicle so as not to obstruct the driver.

Nakatsuka and Nakatsuka et al. each disclose a power tillable steering wheel with an upper position to accommodate driver egress and a lower range of positions that can be adjusted by the driver when the driver gets in the vehicle.

Futami et al. disclose a steering wheel adjustment system including a driving position at which the driver can appropriately handle the steering wheel to drive the vehicle and an escape position at which the steering wheel is jumped up to facilitate getting on and off the vehicle.

Oike et al. disclose a steering wheel system including drive means for changing the position of the steering wheel in response to a command signal and controlling means for commanding the drive means to change the position by producing the

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command signal to make it easier for the driver to get on and off the vehicle when the automatic transmission is in the parking state.

Sato et al. (JP03-28070) disclose a tilt steering device in which an upper member is released from restriction to allow the steering wheel to tilt freely when the shift lever is in a parking position.

8. Though not prior art based on its filing date, Sato et al. (US2004/0245758) disclose a tilt type steering device in which the vehicle is unable to travel by locking a speed-change shift at parking range when a steering wheel is titled up through a large scale and preventing the steering wheel from being titled up when the vehicle is traveling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Laura B Rosenberg*  
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LBR

*P.N.D.* 01/17/05  
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